

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ORIGINAL

RAQUEL DOWNING

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

National Council of State Boards
OF Nursing

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment
Discrimination

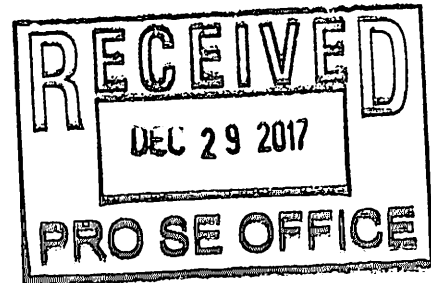
Case No. **CV17-7578**

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

BRODIE, J.

GOLD, M.J.



I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Raque/ Downing</u>
Street Address	<u>1386 East 55th Street</u>
City and County	<u>BROOKLYN, NY 11234</u>
State and Zip Code	
Telephone Number	<u>(917) 705-8154</u>
E-mail Address	<u>DowningRaquel@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>National Council of State Boards of Nursing</u>
Job or Title	
(if known)	
Street Address	<u>111 East Upper Wacker Drive</u>
City and County	<u>Chicago</u>
State and Zip Code	<u>IL 60601</u>
Telephone Number	<u>312-525-3600</u>
E-mail Address	
(if known)	

Defendant No. 2

Name	_____
Job or Title	_____
(if known)	
Street Address	_____
City and County	_____

State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law (*specify the federal law*):

☐ Relevant state law (*specify, if known*):

☐ Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☐ Retaliation.

☒ Other acts (*specify*): Defamation of Character

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

5/9/2017

C. I believe that defendant(s) (*check one*):

- ☐ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (*check all that apply and explain*):

- ☒ race African American
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age. My year of birth is _____. (*Give your year of birth only if you are asserting a claim of age discrimination.*)
- ☐ disability or perceived disability (*specify disability*)

E. The facts of my case are as follows. Attach additional pages if needed.

See Attach Documents

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

September 29, 2017

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date)

December 3, 2017

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

To be provided with my license, so that I can pursue my career as a Nurse.

To be compensated for Defamation of character, loss wages (because of haven't received license), in the amount of \$200,000.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

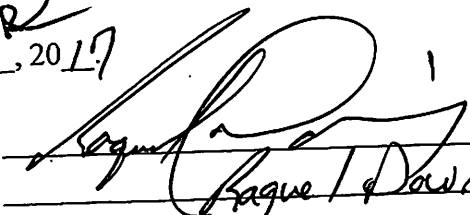
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/29, 2017

Signature of Plaintiff

Printed Name of Plaintiff


Rague T. Downing

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Raquel Downing**
1386 55th Street
Brooklyn, NY 11234

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2017-03794

Roxanne Zygmund,
Investigator

(212) 336-3764

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

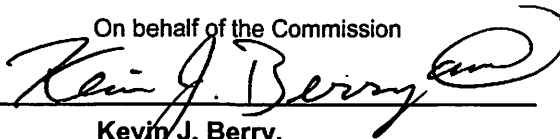
No Employer/Employee Relationship**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Kevin J. Berry,
District Director

OCT 20 2017

Enclosures(s)

(Date Mailed)

cc:

David Benton
Attn: CEO
NATIONAL COUNCIL OF STATE BOARDS OF
NURSING
111 East Upper Wacker Drive
Chicago, IL 60601

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Raquel Downing

May 15, 10:35 CDT

Dear Sir or Madam:

I am writing this letter in regards to taking the NCLEX PN Examination on May 9, 2017. I contacted Pearson vue in regards to not being able to ascertain the Quick Results after my completion of taking the exam on May 9, 2017. I spoke with a Supervisor, Vincent who explained that the 48hr period to retrieve the results will begin the next day of taking the test, and not the same day of the exam. Mr. Vincent explained to me that I will be able to access that information prior to the 48hrs after 12 p.m. I waited as I was told and then tried numerous times and still couldn't retrieve my results.

Today I contacted Pearson vue and still wanted to now why I couldn't retrieve results on taking prior to taking the exam. I spoke with representative Mark who said that my results was being worked on and that I should contact NCSBN. I asked Mr. Mark why and he couldn't answer. So I then asked to speak with a supervisor. I spoke with Supervisor, Rachelle. While she couldn't give me a reason why, but only to say that NCSBN will be the agency to give me my results. I asked Rachelle, is this the norm for someone to contact NCSBN, the only thing she said to me was that I needed to contact them and that my results were already given to NCSBN.

I then contacted NCSBN and spoke to Ms. Melissa, Supervisor. Ms. Melissa explained to me that my exam was being reviewed. While Melissa, couldn't tell me why. I asked her why? Was this the Norm? I have many questions and in which Melissa wasn't able to explain. I asked Melissa, how long will this process take. Melissa, advised me that I can put an appeal in. Again, I asked her Why? I need to know why would I need to put in an appeal and what is it that I am appealing? Melissa stated that in order for them to expedite the case that I would need to put in writing my concerns.

As I became very emotionally, as I said to Melissa everything seems very layed back. Meanwhile, I have been studying day in and out 8hrs a day while caring for my son with stage 3 brain cancer, my mother who just recently had a stroke and my grandmother with bladder cancer. I failed the first time because my grandmother was in the hospital and I left the hospital only to take the exam although I wasn't mentally ready after being at the hospital/sleeping there all night. I didn't know that I could have postpone the exam but I didn't want to forfeit the money. My life has not been the same, but with all of the trials and tribulations I continue to pray and study although I am very tired. But just looking at what I have done for my Son, Mother and Grandmother has told me that I can be

Pearson vue in regards to not being able to ascertain the Quick Results after my completion of taking the exam on May 9, 2017. I spoke with a Supervisor, Vincent who explained that the 48hr period to retrieve the results will begin the next day of taking the test, and not the same day of the exam. Mr. Vincent explained to me that I will be able to access that information prior to the 48hrs after 12 p.m. I waited as I was told and then tried numerous times and still couldn't retrieve my results.

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Again, I am requesting for this matter to be expedited and for someone to contact me. I may be reached at (917) 705-8154.

Regards,

Raquel Downing

The information contained in this e-mail and any accompanying documents is intended for the sole use of the recipient to whom it is addressed, and may contain information that is privileged, confidential, and prohibited from disclosure under applicable law. If you are not the intended recipient, or authorized to receive this on behalf of the recipient, you are hereby notified that any review, use, disclosure, copying, or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by e-mail and destroy all copies of the original message. The integrity and security of this message cannot be guaranteed on the Internet. Thank you.

This email is a service from NCLEX . Delivered by Zendesk

[JDEE46-XZ07]

From: Raquel Downing <downingmba@aol.com>
To: Raquel Downing <downingraquel@gmail.com>
Subject: Fwd: [NCLEX] Re: Raquel Downing
Date: Thu, May 18, 2017 3:09 pm

Sent from my iPhone

Begin forwarded message:

From: NCLEX Info <nclexinfo@ncsbn.org>
Date: May 15, 2017 at 1:01:44 PM EDT
To: Raquel Downing <downingmba@aol.com>
Subject: [NCLEX] **Re: Raquel Downing**
Reply-To: NCLEX Info <nclexinfo@ncsbn.org>

##- Please type your reply above this line -##

Your request (7118) has been updated. To add additional comments, reply to this email.

NCLEXInfo (NCLEX)

May 15, 12:01 CDT

Dear Raquel,

Thank you for your email. An NCLEXInfo representative will further review and respond. Please allow up to 5 business days in order for NCSBN to provide you with the most up-to-date information and thorough review of your matter. Your patience is appreciated.

Please click the link below to give NCLEXInfo some quick feedback on this email response: https://ncsbn.qualtrics.com/SE/?SID=SV_06TIOEqmrnTRg5n

Thank you,
NCLEXInfo

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Raquel Downing

May 19, 13:11 CDT

Dear Raquel,

An NCLEXInfo representative is continuing to review your case. Please allow additional time in order for NCSBN to complete this review. Your continued patience is appreciated.

Please click the link below to give NCLEXInfo some quick feedback on this email response:

https://ncsbn.qualtrics.com/SE/?SID=SV_06TIOEqmrnTRg5n

Thank you,

NCLEXInfo

Join us on [Twitter](#) and [Facebook](#)!

NCLEXInfo (NCLEX)

May 15, 12:01 CDT

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https://ncsbn.qualtrics.com/SE/?SID=SV_06TIOEqmrnTRg5n

Thank you,

NCLEXInfo

Join us on [Twitter](#) and [Facebook](#)!

Raquel Downing

May 15, 10:35 CDT

Dear Sir or Madam:

I am writing this letter in regards to taking the NCLEX PN Examination on May 9, 2017. I contacted

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(No subject)

NCLEX Info (nclexinfo@ncsbn.org)

Details

##- Please type your reply above this line -##

NCLEXInfo (NCLEX)

May 15, 09:57 CDT

Dear Raquel,

The NCLEX is administered under strict supervision and security measures as a part of NCSBN's greater mission to promote patient s stated in the [NCLEX Candidate Bulletin](#), NCSBN reserves the right to cancel or **withhold** any test results when, in its judgment, a tes

NCLEX results are not released to boards of nursing/regulatory bodies until it can be determined that the security of the NCLEX was results on hold are investigated on a case-by-case basis and there is no specific time frame for their completion.

NCSBN appreciates your patience and understanding at this time. Should NCSBN require additional information from candidates rega would be in contact with them directly.

Should you wish to escalate your concern, please file a formal appeal as an email to nclexinfo@ncsbn.org.

Please click the link below to give NCLEXinfo some quick feedback on this email response: <https://ncsbn.qualtrics.com/SE/?SID=SV>.

Thank you,
NCLEXInfo

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[JP995G-L7GD]

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RECENT BUDDIES

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Q

Calendar

Checklist

From: NCLEX Info <nclexinfo@ncsbn.org>
To: Raquel Downing <downingmba@aol.com>
Subject: [NCLEX] Re: Raquel Downing
Date: Thu, May 25, 2017 4:16 pm

##- Please type your reply above this line -##

Your request (7118) has been updated. To add additional comments, reply to this email.

NCLEXInfo (NCLEX)
May 25, 15:16 CDT

Dear Raquel,

As a part of NCSBN's greater mission to promote patient safety and public protection, the NCLEX is administered under strict supervision and security measures. Candidates are informed in the [NCLEX Candidate Bulletin](#), that NCSBN reserves the right to cancel or withhold any test results when, in its judgment, a testing irregularity occurs.

Candidates whose results are placed on hold will not be able to access their quick results until the result is released. We apologize if you received erroneous information regarding the quick result service from Pearson VUE.

NCLEX results are released to boards of nursing when it has been determined that the security of the NCLEX was not compromised. Our records indicate that on May 23, 2017, your results were released to your board of nursing.

NCSBN appreciates your continued patience throughout the completed review of this matter. Should you have any additional questions you may contact us at nclexinfo@ncsbn.org.

Please click the link below to give NCLEXinfo some quick feedback on this email response:

https://ncsbn.qualtrics.com/SE/?SID=SV_06TIOEqmrnTRg5n

Thank you,
NCLEXInfo

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NCLEXInfo (NCLEX)

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- Drafts 23
- Sent
- Spam 10
- Recently Deleted
- Contacts
- Calendar
- > Folders

(No subject)

NCLEX Info nclexinfo@ncsbn.org Hide

To **Raquel Downing** downingmba@aol.com

##- Please type your reply above this line -##

NCLEXInfo (NCLEX)
May 26, 08:52 CDT

Dear Raquel,

Some boards of nursing offer the Quick Results service (only applies to candidates seeking licensure in the U.S.), which allow you to access your business hours after your exam. To determine if your board participates in the Quick Results service, visit: www.ncsbn.org/1225.htm. Access your quick results by going to www.pearsonvue.com/nclex. There is a \$7.95 fee for this service.

Note - your login information is the same from your initial registration with Pearson VUE. If you do not know your login information, contact Candidate Services at 1.866.496.2539 (toll free). If you are having difficulty navigating Pearson's site to find your quick results, visit our website instructions, here: <https://www.ncsbn.org/1225.htm>.

Please click the link below to give NCLEXinfo some quick feedback on this email response: https://ncsbn.qualtrics.com/SE/?SID=SV_06TIOE

Thank you,
NCLEXInfo

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[NZZSIA3-BOYK]

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FELDMAN, KRAMER & MONACO, P.C.

ATTORNEYS & COUNSELLORS

WARREN B. FELDMAN
HERBERT KRAMER
WILLIAM J. MONACO

ANITA Y. AGINIAN
JOSEPH J. BESTREICH
LEONARD B. CHIPKIN
CANDACE DELLACONA
DANIEL J. DIROSSO
ALISON LEIGH EPILONE
ALLAN E. FOGEL
DEBORAH S. GALLIN
HAROLD E. GERRY, JR.
IRINA KARLOVA
STEVEN KRAMER
JAMES E. ORLANDO
CHRISTOPHER M. PETILLO
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DANIELLE L. WHITT

OF COUNSEL

SANTO BARRAVECCHIO
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ALAN BORACK
ANDREW F. BREMS
STEVEN BRENNAN
JOHN CALIMANO
ALFRED CAMAIORE
KEVIN CAMPBELL
KATHLEEN COX
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STEPHEN FLYNN
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KENNETH M. SPOLE
ROBERT H. TUCKER
JOANNE ZALUD-CRAWFORD

PARALEGALS

INGRID ALBERTO
SUSAN BACEY
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SHAWNEICE BELIN
BARBARA CIOFFI
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JESSICA GINS
TERRY GILMORE
GINA GUELLEME
DANIELLA LUCIANO
JAMIE MANCUSO
JENNIFER MEROLLA
SHARON SAYLOR
LEANDRA SCATURRO
LINDA TROJCA

PLAN ADMINISTRATOR

FILEEN BAER

DIRECTOR OF OPERATIONS

LAURA WEIDNER

*ALSO ADMITTED IN NJ

330 VANDERBILT MOTOR PARKWAY
HAUPPAUGE, NEW YORK 11788-5110
631.231.1450
212.869.7373
800.832.5182
FAX 631.231.4732
fkmlaw.com

June 2, 2017

National Council of State Boards of Nursing
111 East Wacker Drive, Suite 2900
Chicago, IL 60601-4277

Re: Raquel Downing
1386 East 55th Street
Brooklyn, NY 11234-3328
Our File No.: LS879489
NCLEX ID: 23217933

Dear Sir or Madam:

Ms. Raquel Downing has consulted with this office regarding her test scores on her NCLEX exam.

Ms. Downing informs us that she took her NCLEX exam for nursing on May 9, 2017. Within hours, you notified her that you had placed her test results on hold as you were investigating testing irregularities. Thereafter, Ms. Downing received correspondence from your company via e-mail on May 25, 2017, stating that her test scores had been released to the board of nursing (see attached). Ms. Downing states she contacted the board of nursing and was advised that there was no information showing she had taken the exam.

Ms. Downing informs us that she contacted your company again and was told she needed to pay \$7.95 to receive her score. Ms. Downing paid said fee and was informed that she had failed the exam. However, she was still not provided with her score.

Accordingly, please provide a written explanation of why Ms. Downing was investigated, what irregularities were investigated and why her scores have yet to be provided to her. Your prompt response is anticipated.

Very Truly Yours,
FELDMAN, KRAMER & MONACO, P.C.

Kathleen R. Cox
631-231-1450, Ext. 312
KC/du/LS879489

cc: Raquel Downing

[NCLEX] Re: Raquel Downing

Initial # 879489

5/26/17, 3:34 PM

From: NCLEX Info <nclexinfo@ncsbn.org>
To: Raquel Downing <downingmba@aol.com>
Subject: [NCLEX] Re: Raquel Downing
Date: Thu, May 25, 2017 4:16 pm

##- Please type your reply above this line -##

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NCLEXInfo (NCLEX)
May 25, 15:16 CDT

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https://ncsbn.qualtrics.com/SE/?SID=SV_06TIOEqmrnTRg5n

Thank you,
NCLEXInfo

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NCSBN

National Council of State Boards of Nursing

111 E. Wacker Drive, Suite 2900
Chicago, IL 60601-4277

312.525.3600 NCSBN
Examinations Department Fax 312.279.1036

879489

Feldman, Kramer & Monaco, P.C.
c/o Kathleen R. Cox
330 Vanderbilt Motor Parkway
Hauppauge, New York
11788-5110

June 16, 2017

Thank you for contacting NCSBN regarding Raquel Downing's NCLEX-PN experience scheduled for May 9, 2017 at the test center located in Jersey City, NJ.

On occasion, candidates' results are placed on hold if any testing irregularities occur during an examination appointment, including any technical issues. An investigation is launched to ensure the integrity and security of the NCLEX was not hindered. When it is determined that the candidate received a fair, secure and accurate testing experience, the result is released to the candidate's board of nursing (BON).

For participating states, candidates can receive their unofficial result from the Quick Results Service for a \$7.95 fee. Candidates will receive their official result from their BON within six weeks following the exam. In addition, if a candidate fails, the board of nursing sends a Candidate Performance Report (CPR). This report provides a summary of the candidate's relative strengths and weaknesses based on the test plan. Candidates who fail the exam can use the CPR as a guide to prepare them to retake the examination.

Because the NCLEX is a pass/fail examination that uses Computerized Adaptive Testing (CAT) to administer the exam, there is no score to receive but a pass/fail record. If candidates have questions about receiving their result, they should contact their board of nursing.

Sincerely,

NCLEXInfo



FELDMAN, KRAMER & MONACO, P.C.
A T T O R N E Y S & C O U N S E L L O R S

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PLAN ADMINISTRATOR

FILEEN BAER

DIRECTOR OF OPERATIONS

LAURA WEIDNER

ASSOCIATE ADMIRAL

June 30, 2017

National Council of State Boards of Nursing
111 East Wacker Drive, Suite 2900
Chicago, IL 60601-4277

Re: Raquel Downing
1386 East 55th Street
Brooklyn, NY 11234-3328
Our File No.: LS879489
NCLEX ID: 23217933

Dear Sir or Madam:

Ms. Raquel Downing has again consulted with this office regarding her test scores on her NCLEX exam.

We previously corresponded with you by letter dated June 2, 2016. In our letter, we informed you that Ms. Downing took her NCLEX exam for nursing on May 9, 2017. Within hours, you notified her that you had placed her test results on hold as you were investigating testing irregularities. Thereafter, Ms. Downing received correspondence from your company via e-mail on May 25, 2017, stating that her test scores had been released to the board of nursing (see attached). Ms. Downing contacted the board of nursing and was advised that there was no information showing she had taken the exam.

Ms. Downing informs us that she contacted your company again and was told she needed to pay \$7.95 to receive her score. Ms. Downing paid said fee and was informed that she had failed the exam. However, she was still not provided with her score.

In our letter, we asked that you provide a written explanation of why Ms. Downing was investigated, what irregularities were investigated and why her scores have yet to be provided to her.

You responded on June 16, 2017. You gave a general statement that test results are withheld if any irregularities occur including technical difficulties. Ms. Downing is seeking an explanation of the precise reason that her test results were withheld. This is particularly relevant in light of the fact that Ms. Downing advises us that she was previously advised verbally by your representative that a comparative review of her test results on the current exam and a previous exam which Ms. Downing had failed indicate

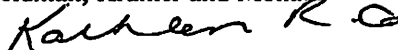
irregularities. You also declined to provide Ms. Downing's score as you advise that the test is pass/fail. As you have alleged discrepancies in Ms. Downing's scores, Ms. Downing's raw score should be provided to determine if she actually failed the second exam.

In your letter, you state that within six weeks, a candidate receives a Candidate Performance Report. It has been more than six weeks and Ms. Downing has yet to receive same.

Accordingly, please provide the previously requested information. Your failure to do so will cause us to advise Ms. Downing of all her legal rights and remedies in this matter.

Very truly yours,

Feldman, Kramer and Monaco

A handwritten signature in black ink, appearing to read "Kathleen R. Cox", with a stylized flourish at the end.

Kathleen Rowe Cox

631-231-1450, Ext. 312

KC/du/LS879489

cc: Raquel Downing



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National Council of State Boards of Nursing

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Examinations Department Fax: 312.279.1036

879489

Feldman, Kramer and Monaco
330 Vanderbilt Motor Parkway
Hauppauge, New York 11788-5110

July 12, 2017

To Whom It May Concern:

Ms. Downing's NCLEX results were placed on Hold so that NCSBN could ensure that the fairness, integrity and security of her NCLEX were not hindered in any way. Once NCSBN satisfactorily concluded that her Exam was administered in accordance with our policies and procedures, her results were released to her board of Nursing.

Computerized Adaptive Testing (CAT) technology recalculates a candidate's ability estimate after each time. Candidate results are calculated as a Pass or Fail. Failing candidates receive a Candidate Performance Report (CPR), which indicates the areas of strength and weakness in eight content areas. More information on CAT, the Pass/Fail rules, and the CPR are available on our website, as well as in the NCLEX Candidate Bulletin.

All records and reports regarding Ms. Downing's NCLEX experience, including her CPR, are property of the New Jersey Board of Nursing, which has been sent a copy of your letter and is cc'd on this response. Any requests for results or information should be addressed to them at P.O. Box 45010, 124 Halsey St, 6th Floor Newark, NJ 07101, or by phone at 973.504.6430.

Sincerely,

NCLEXInfo

CC :

- New Jersey Board of Nursing
- Raquel Downing



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July 27, 2017

National Council of State Boards of Nursing
111 East Wacker Drive, Suite 2900
Chicago, IL 60601-4277
Attn.: David Benton, CEO

Re: Raquel Downing
1386 East 55th Street
Brooklyn, NY 11234-3328
Our File No.: LS879489
NCLEX ID: 23217933

Dear Mr. Benton:

Ms. Raquel Downing has again consulted with this office regarding her test scores on her NCLEX exam.

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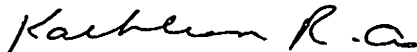


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In your letter, you stated that within six weeks, a candidate receives a Candidate Performance Report. It has been more than six weeks and Ms. Downing has yet to receive same.

In response to our second letter, we received an unsigned letter from your organization which merely referred us to the New Jersey Board of Nursing (see attached). Since the information requested is in part for an explanation of the action taken by your organization, Ms. Downing reiterates her request that you provide same. Accordingly, please provide the previously requested information. Your prompt response is anticipated.

Very truly yours,
Feldman, Kramer and Monaco

A handwritten signature in cursive script, appearing to read "Kathleen R. Cox".

Kathleen Rowe Cox
631-231-1450, Ext. 312
KC/du/LS879489

cc: Raquel Downing



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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

September 1, 2017

National Council of State Boards of Nursing
111 East Wacker Drive, Suite 2900
Chicago, IL 60601-4277
Attn.: David Benton, CEO

Re: Raquel Downing
1386 East 55th Street
Brooklyn, NY 11234-3328
Our File No.: LS879489
NCLEX ID: 23217933

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Kathleen Rowe Cox
631-231-1450, Ext. 312
KC/du/LS879489

cc: Raquel Downing



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Examinations Department Fax 312.279.1036

Feldman, Kramer & Monaco, P.C.
c/o Kathleen R. Cox
330 Vanderbilt Motor Parkway
Hauppauge, New York
11788-5110

September 8, 2017

To Whom It May Concern:

We have contacted the New Jersey Board of Nursing due to your communications, and confirmed that Raquel Downing's results were sent to her on May 26, 2017. The board has also confirmed that they can resend the results upon her request.

Because all records pertaining to the exam are property of the board that grants a candidate's eligibility, NCSBN encourages you to contact the New Jersey Board of Nursing for any additional information at P.O. Box 45010, 124 Halsey St, 6th Floor Newark, NJ 07101, or by phone at 973.504.6430.

Sincerely,

NCLEXInfo

CC :

- New Jersey Board of Nursing
- Raquel Downing



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Chicago, IL 60601-4277

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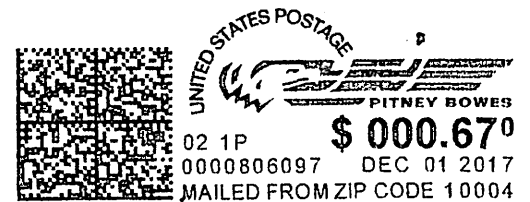
- New Jersey Board of Nursing
- Raquel Downing

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Raquel Downing
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Brooklyn, New York 11234

11234-332886

